

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

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The United States of America and the States of)
North Carolina, California, Colorado, Delaware,)
Florida, Georgia, Illinois, Indiana, Iowa, Louisiana,)
Michigan, Minnesota, New Jersey, New York,)
Tennessee, Texas, Virginia and Wisconsin,)
ex rel. Scarlett Lutz and Kayla Webster,)

Plaintiffs,)

vs.)

Health Diagnostic Laboratory, Inc., Singulex, Inc.,)
Laboratory Corporation of America Holdings,)
Bluewave Healthcare Consultants, Inc., Latonya)
Mallory, Philippe J. Goix, PhD, Floyd Calhoun)
Dent, III and Robert Bradford Johnson,)

Defendants.)

CA No.: 9:14-cv-00230-RMG

**FILED EX PARTE AND
UNDER SEAL**

ORDER AS TO DEFENDANT SINGULEX, INC.

Having received notice pursuant to the False Claims Act, 31 U.S.C. § 3730 (b)(2) and (4), that the United States has elected to intervene in part in this action for the purpose of effectuating a settlement agreement (“the Settlement Agreement”) between the United States, defendant Singulex, Inc. (“Singulex”) and relators Scarlett Lutz and Kayla Webster (“Relators”), and has declined to intervene with respect to Relators’ allegations against Singulex asserted on behalf of the United States that are not covered by the Settlement Agreement; and

The Plaintiff States having declined to intervene and consented to dismissal, without prejudice to the Plaintiff States, of claims asserted on their behalf; and

The United States and Relator having filed a Joint Stipulation of Dismissal of Only Defendant Singulex, pursuant to Fed. R. Civ. P. 41(a),

IT IS HEREBY ORDERED that:

1. Relators' False Claims Act claims against Singulex that are based on the Covered Conduct as defined in Recitals Paragraph D of the Settlement Agreement are dismissed with prejudice as to Relators and to the United States;

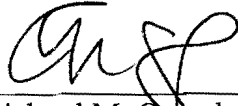
2. The remaining False Claims Act claims asserted by Relators against Singulex are dismissed with prejudice to Relators and without prejudice to the United States;

3. All claims by Relators against Singulex asserted on behalf of the Plaintiff States are dismissed with prejudice to Relators and without prejudice to the Plaintiff States;

4. The seal in this matter is partially lifted to allow the United States to provide Singulex and its counsel a copy of: (a) the United States' Notice of Election to Intervene in Part and to Decline to Intervene in Part as to Defendant Singulex; (b) the Joint Stipulation of Dismissal as to Defendant Singulex; and (c) this Order; and

5. For all other purposes, and consistent with the Court's January 30, 2015, Order, this case shall remain under seal until March 16, 2015 or until further order of this Court.

SO ORDERED this 12 day of February, 2015.



Richard M. Gergel
United States District Court Judge